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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,003	01/31/2006	Emma L. Jones	CE10521EP	9846
22917	7590	05/19/2008		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER SHEDRICK, CHARLES TERRELL	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 05/19/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
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Office Action Summary

Application No.

10/567,003

Applicant(s)

JONES, EMMA L.

Examiner

CHARLES SHEDRICK

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-2,4 and 6-11** are rejected under 35 U.S.C. 102(b) as being anticipated by Ala-Laurila et al: Wireless LAN Access Network Architecture for Mobile Operators”,IEEE Communication Magazine, ‘IEEE Service Center, Piscataway N.J., US, vol. 39, no. 11, November 2001 (2001-11), pages 82-89.

Consider claims 1, 10, and 11, Ala-Laurila teaches an Apparatus and method for enabling access to a WLAN communication system comprising: receiving (e.g., and transmitting) a WLAN access request from a WLAN communication device (e.g., **see page 86, col. 1 lines 15-32 and figure 4)(i.e., the terminal sends the authentication request and locates an access controller)**; setting up a charging call via a second communication system in response to the WLAN access request using second communication system subscription information associated with the WLAN communication device(**e.g., see page 86, col. 1 line 33 – col. 2 line 36 and figure 4)(the authentication server requests triplets from the home location register, if the authentication was successful, the access controller sends the authentication server an indication that a new accounting session has been started)**); enabling access to the WLAN communication system in response to the setting up of the charging call(**page 86 col. 1 line 33- col. 2 line 36 and figure 4)(i.e., the access controller**

enables the terminal data packets and the ack to the terminal).

Consider **claim 2** and as applied to **claim 1**, Ala-Laurila teaches wherein the step of setting up a charging call comprises the step of forwarding authentication request information received from the second communication system to the WLAN communication device and the step of forwarding authentication response information received from the WLAN communication device to the second communication system (**page 86 col. 1 lines 1 – col. 2 line 36 and figure 4**)(initial authentication , relaying the authentication request to the correct authentication server and a new session is created).

Consider **claim 4** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of selecting the duration of the charging call depending on the requested service to be accessed (**page 87 col. 1 lines 10 -29**)(session lifetime value, consider also well known features of RADIUS and DIAMETER IETF protocols where the duration session can be set by timer).

Consider **claim 6** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of determining the duration of the charging call and the step of discontinuing the charging call when the predetermined duration has expired accessed (**page 87 col. 1 lines 10 -29**)(session lifetime value, consider also well known features of RADIUS and DIAMETER IETF protocols where the duration session can be set by timer).

Consider **claim 7** and as applied to any preceding claim, Ala-Laurila teaches comprising the step of determining the duration of the permitted WLAN access, and the step of discontinuing access once the allowed duration has expired. accessed (**page 87 col. 1 lines 10 - 29**)(session lifetime value, consider also well known features of RADIUS and DIAMETER

IETF protocols where the duration session can be set by timer)

Consider **claim 8** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of determining magnitude of permitted data transfer during WLAN access and the step of discontinuing access once permitted data transfer has occurred (e.g., see **page 87 col. 1 lines 30-39**)(i.e., volume based).

Consider **claim 9** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention comprising the step of initiating a new charging call in respect of additional access in response to a request for additional access received from the WLAN device (**page 86 col. 1 line 33- col. 2 line 36**)(i.e., noting **RADIUS functionality**)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ala-Laurila et al: "Wireless LAN Access Network Architecture for Mobile Operators", IEEE Communication

Magazine, 'IEEE Service Center, Piscataway N.J., US, vol. 39, no. 11, November 2001 (2001-11), pages 82-89 in view of McIntosh et al., US Patent Pub. No.: 2003/0139180, hereinafter, "McIntosh"

Consider **claim 3** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention except the claimed invention also comprising the step of selecting the destination of the charging call depending on the requested service to be accessed.

However, In analogous art, McIntosh teaches the claimed invention also comprising the step of selecting the destination of the charging call depending on the requested service to be accessed (e.g., see paragraph 0067)(**RADIUS server forwards accounting packets to a billing server through a RADIUS proxy interface to bill telecommunications charges to the appropriate parties**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ala-Laurila to include the claimed invention also comprising the step of selecting the destination of the charging call depending on the requested service to be accessed as taught by McIntosh for the purpose of allowing access to supplementary services.

Consider **claim 5** and as applied to any preceding claim, Ala-Laurila teaches the claimed invention except wherein the charging call is a premium rate call.

However, In analogous art, McIntosh teaches the claimed invention also comprising the wherein the charging call is a premium rate call (e.g., see paragraph 0067)(**RADIUS server forwards accounting packets to a billing server through a RADIUS proxy interface to bill telecommunications charges to the appropriate parties**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ala-Laurila to include wherein the charging call is a premium rate call as taught by McIntosh for the purpose of allowing access to supplementary services.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harper Paul can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/
Examiner, Art Unit 2617
May 8, 2008